

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 6/8/2020
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FLATIRON ACQUISITION VEHICLE, LLC :  
and CS PARADISO HOLDINGS, LLC, :

Plaintiffs, :

-v- :

CSE MORTGAGE LLC, CAPITALSOURCE :  
COMMERCIAL LOAN, 2006-2, :  
CAPITALSOURCE FINANCE LLC, and :  
CAPITALSOURCE INC. :

Defendants. :  
----- X

GREGORY H. WOODS, United States District Judge:

1:17-cv-8987-GHW

ORDER

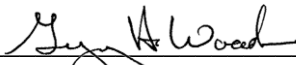
The Court has reviewed Defendants’ request for an additional round of summary judgment briefing and Plaintiffs’ response. Dkt Nos. 128, 130. Defendants’ request is denied. Under Federal Rule of Civil Procedure 56, “[u]nless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery.” Fed. R. Civ. P. 56(b). That deadline has passed. And the Court does not believe that another round of summary judgment briefing—after Defendants have had one bite of the apple—would promote the “speedy[] and inexpensive” resolution of this case in light of the Court’s prior decision. Fed. R. Civ. P. 1. It is time for this case to move forward to trial.

In their letter, Dkt No. 130, Plaintiffs said that they consent to proceeding to trial in late July. No later than June 11, 2020, Defendants are directed to submit a letter addressing whether they would be able to prepare their pretrial submissions for a trial date in late July. The parties are reminded that the Court may have to adjourn the October trial date that the Court previously selected to accommodate jury trials that have been delayed because of COVID-19. But the Court is relatively confident (though, of course, not certain) that it could hold trial in this case in late July. In the same letter, Defendants are directed to address whether they would consent to holding the

bench trial by remote means.

SO ORDERED.

Dated: June 8, 2020

A handwritten signature in black ink, appearing to read "Gregory H. Woods", is positioned above a horizontal line.

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GREGORY H. WOODS  
United States District Judge